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SERVICE DATE - FEBRUARY 26, 2001

SURFACE TRANSPORTATION BOARD

DECISION AND AMENDED NOTICE OF INTERIM TRAIL USE OR ABANDONMENT

STB Docket No. AB-33 (Sub-No. 153X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT EXEMPTION—
IN MONROE COUNTY, IA

Decided: February 21, 2001

On September 1, 2000, a decision and notice of interim trail use or abandonment (NITU) was served in this proceeding, authorizing a 180-day period for the Iowa Trails Council (Iowa Trails) to negotiate an interim trail use/rail banking agreement with Union Pacific Railroad Company (UP) for a segment of rail line (southern segment of the Oskaloosa Subdivision) extending between milepost 315.1 and milepost 322.9, in Monroe County, IA.¹ The negotiating period is scheduled to expire on February 28, 2001.²

By letter filed on January 24, 2001, Iowa Trails requests an extension of the negotiating period for 180 days until August 27, 2001. Iowa Trails states that it has not been able to finalize negotiations for acquisition of the line. UP responds that it is agreeable to the request.

By letter filed on February 13, 2001, UP advises that both Iowa Trails and UP support modification of the NITU to include the segment of rail line from milepost 315.0 to milepost 315.1. Because UP is willing to continue trail use negotiations with Iowa Trails, and an extension of the negotiation period will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act), the requested extension of the negotiation period under the NITU will be granted. The request to modify the NITU to cover the .1-mile portion of line between mileposts 315.0 and 315.1 will also be granted.³ The purpose of the Trails Act is to preserve rail corridors for possible reactivation of

¹ By letter filed on February 15, 2001, UP gave notification that the northern segment of the line between mileposts 312.1 and 315.0 had been conveyed to the sole shipper, Cargill, Incorporated.

² A public use condition imposed in the September 1 decision is scheduled to expire on March 30, 2001.

³ Where, as here, the carrier has not consummated the abandonment at the end of the previously imposed negotiating period and is willing to continue trail use negotiations, the Board
(continued...)

rail service by permitting and encouraging their interim use as recreational trails. See Policy Statement on Rails to Trails Conversions, Ex Parte No. 274 (Sub-No. 13B) (ICC served Feb. 5, 1990). The parties may therefore negotiate an agreement for trail use between mileposts 315.0 and 322.9, with the negotiation period extending until August 27, 2001.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The request to amend the NITU is granted.
2. The NITU served September 1, 2000, is amended to the extent necessary to implement interim trail use/rail banking for that portion of the right-of-way between milepost 315.0 and milepost 315.1.
3. The request to extend the interim trail use negotiating period is granted.
4. The negotiating period under the NITU is extended to August 27, 2001.
5. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary

³(...continued)
retains jurisdiction to extend the NITU negotiating period. See Rail Abandonments—Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987); Central Kansas Railway, Limited Liability Company—Abandonment Exemption—in Barton, Ellsworth and Rice Counties, KS, STB Docket No. AB-406 (Sub-No. 7X) (STB served Jan. 11, 2000).